

VETERANS AFFAIRS, IOWA DEPARTMENT OF[801]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)"b."

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 17A.3(1)"b" and Iowa Code Supplement section 35A.5(12), the Iowa Department of Veterans Affairs proposes to amend Chapter 15, "Veterans Commemorative Property," Iowa Administrative Code.

These proposed amendments are intended to implement 2008 Iowa Acts, Senate File 2333, which eliminates the requirement that veterans commemorative property be placed in a cemetery and be at least 75 years old before coming under the jurisdiction of the Iowa Department of Veterans Affairs for a property transaction.

Any interested party or persons may present their views either orally or in writing at a public hearing to be held on August 19, 2008, from 2 to 2:30 p.m. at the Dodge House, Camp Dodge, Bldg. A6A, 7105 NW 70th Avenue, Johnston, Iowa.

At the hearing, persons will be asked to give their names and addresses for the record and to confine their remarks to the subject of the proposed amendments. Persons who wish to make oral presentations at the public hearing may contact Kent Hartwig, Iowa Department of Veterans Affairs, Camp Dodge, Bldg. A6A, 7105 NW 70th Avenue, Johnston, Iowa 50313-1824; or at (515)242-0031, prior to the date of the hearing.

Any person who intends to attend the public hearing and requires special accommodations for specific needs, such as a sign language interpreter, should contact Kent Hartwig at (515)242-0031.

Any interested person may make written comments or suggestions on the proposed amendments until 4:30 p.m. on August 19, 2008. Written comments and suggestions should be addressed to Kent Hartwig, Iowa Department of Veterans Affairs, Camp Dodge, Bldg. A6A, 7105 NW 70th Avenue, Johnston, Iowa 50313-1824; sent by E-mail to kent.hartwig@iowa.gov; or sent by fax to (515)242-5659.

These amendments are intended to implement 2008 Iowa Acts, Senate File 2333.

The following amendments are proposed.

ITEM 1. Rescind the "Cemetery" in rule **801—15.2(37A)**.

ITEM 2. Amend rule **801—15.2(37A)**, definitions of "Veterans commemorative property" and "Veterans organization," as follows:

"*Veterans commemorative property*" means any memorial as defined in Iowa Code section 523I.102, including a headstone, plaque, statue, urn, decoration, flag holder, badge, shield, item of memorabilia, or other embellishment, that ~~meets all of the following criteria:~~ identifies or commemorates any veteran or group of veterans, including any veterans organization or any military unit, company, battalion, or division.

- ~~1. —Is over 75 years old;~~
- ~~2. —Identifies or commemorates any veteran or group of veterans, including any veterans organization or any military unit, company, battalion, or division; and~~
- ~~3. —Has been placed in a cemetery.~~

"*Veterans organization*" means the Grand Army of the Republic, Sons of Union Veterans of the Civil War, Sons of Confederate Veterans, Veterans of Foreign Wars, Disabled American Veterans, Paralyzed Veterans of America, Military Order of the Purple Heart, Forty and Eight, Vietnam Veterans of America, United Spanish War Veterans, the Jewish War Veterans of the United States, Inc., the Catholic War Veterans, Inc., American Legion, American Veterans of World War II, Italian American War Veterans of the United States, Inc., or other corporation or association of veterans.

ITEM 3. Amend subrule 15.3(1) as follows:

15.3(1) Notification. Prior to the sale, trade or transfer of veterans commemorative property, a person who owns or controls a ~~cemetary~~ property where veterans commemorative property has been placed shall provide notice to the department and obtain written authorization. Notification to the department shall be submitted for review on forms provided by the department 60 days prior to the proposed transaction date of the veterans commemorative property.

ITEM 4. Amend subrule 15.4(6) as follows:

15.4(6) Lending owner approval. The department may authorize the sale, trade, or transfer of veterans commemorative property if the owner of the property authorizes the transaction and is aware that the ~~cemetary~~ entity in possession of the property will retain the proceeds of the transaction.

ITEM 5. Amend **801—Chapter 15**, as follows:

These rules are intended to implement Iowa Code section 37A.1 as amended by 2008 Iowa Acts, Senate File 2333.